

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JUNE 5, 2012

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance was Superintendent Strittmatter.

Marc Carmichael, Bart Herriman, Connie Vickery, Andi Metzler, Chip Garver, Bob Kuzman, Greg Genrich, Matt Brase, Lisa McKinney, Mark Webb, and Debbie Rolfsen were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Sturtz moved to approve the minutes that were submitted for the May 15, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the June 5, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

#### **CONSIDERATION OF APPLICATIONS**

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Six hundred forty (640) permits approved for renewal, fifty-nine (59) new and/or transfer permits approved, twelve (12) permits approved for catering, seven (7) permits approved for first year escrow,

three (3) permits approved for second year escrow, two (2) permits approved for third year escrow and three (3) permits approved for fifth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR49-10029 THE EVENT SET, LLC. - Commissioner Guthrie noted this is a type 210 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board feels the premise has become a public nuisance and the character of the permittee is a problem.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

DL49-28587 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL49-28506 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RH47-28895 INDIANA DEP OF NATURAL RESOURCES DIVISION OF ST PARKS & REC., D/B/A SPRING MILL INN – Commissioner Guthrie noted this is a new type 214 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR02-25740 BIG WALLY, INC. – Commissioner Guthrie noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR02-02584 BILLY'S DUGOUT, LLC – Commissioner Guthrie noted this is a type 112 renewal application with the local board voting four (4) to zero (0) to approve for one (1) year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the permit for a one (1) year renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make thirty-one (31) permits inactive. Twenty-two (22) permits are not subject to auction and nine (9) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

REVOCATION OF EMPLOYEE PERMIT – Commissioner Guthrie stated the following permittee was convicted of a disqualifying crime after his employee permit was issued: Devin W. Mabbitt, permit #BR1718901.

Senior Officer Rich Swallow, after conducting an investigation of this permittee, recommended the Commission revoke the permit.

Commissioner Guthrie moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR71-99048 J & S GOLF, INC. - Commissioner Guthrie noted the permittee requests this permit be reactivated.

Commissioner Guthrie moved to approve the request, provided all fees and paperwork are submitted. Vice Chairman Johnson seconded, with the stipulation that the paperwork and fees are submitted within 90 days. The motion was unanimously approved.

APPEAL OF TYPE II GAMING DISTRIBUTOR DENIAL – BRIAN G. WILLIAMS, D/B/A INDIANA GAME SALES – Vice Chairman Johnson stated Mr. Williams applied for a gaming distributor permit and was rejected, pursuant to statute, due to a prior felony conviction. However, the statute provides the Commission the right to make an exception.

Vice Chairman Johnson moved to table this matter until such time as the Commission is provided with a written certification that Mr. Williams has successfully completed his probation and a drug and alcohol program. Also, the Vice Chairman would like a signed affidavit by Mr. Williams stating he has terminated his relationship with any person whose actions directly contributed to his conviction. All of which should be submitted within 90 days. Commissioner Guthrie seconded. The motion was unanimously approved.

### **POLICY DETERMINATIONS**

NONRULE POLICY ATC-014 – Commissioner Guthrie moved to approve Nonrule Policy ATC-014, regarding banners. Commissioner Sturtz seconded. The motion was unanimously approved.

NONRULE POLICY ATC-015 – Commissioner Guthrie moved to approve Nonrule Policy ATC-015, regarding transfers. Commissioner Sturtz seconded. The motion was unanimously approved.

**ANNOUNCEMENTS**

No Announcements

**ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER